

PATENT



Docket: 1232-4618

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Yasuhiro Okuno

Serial No. : 09/527,760

Group Art Unit: 2612

Filed : March 17, 2000

Examiner: Rashawn N. Tillery

For : Information Control System Using Camera

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Official Action dated December 16, 2003, in which pending claims 1-36 are subject to a Restriction and/or Election Requirement, Applicant provisionally elects to prosecute claims 1, 4-13, 16-25 and 28-36 which are readable on Fig. 1. Applicant notes that claims 1 and 13 are indicated as generic by the Examiner.

In the Office Action, election under 35 U.S.C., §121 is required to one of the species of the claimed invention in Figures 1, 12 and 15.

For the reasons stated in the Office Action, it is the Examiner's position that election for examination purposes as indicated is proper because each of the grouped inventions are distinct, have acquired a separate status in the art as shown by the identified different classifications and have divergent subject matter.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; **and**
- (2) There must be serious burden on the examiner if restriction is not required.

Applicant disagrees with the election requirement and invention grouping identified by the Examiner and make the above election with traverse.

Applicant respectfully submits that (1) all of the claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together.

First, the Examiner has not shown that examination of all the pending claims would require undue searching and/or place a serious burden on the Examiner, which is the required showing for proper issuance of a restriction requirement. On the contrary, it is respectfully submitted that it would not be unduly burdensome for the Examiner to search the classifications for all claimed inventions because all claimed inventions are directed to an information control system using a monitoring system capable of capturing moving images from a video camera, distributing them, and controlling the angle position of the camera (e.g., performing panning, tilting, and zooming operation). Fig. 12 discloses, as a second embodiment, a block diagram of a similar information control system to the first embodiment in which a control state determination unit 1202 is added. Fig. 15 discloses, as a fourth embodiment, a block diagram of another similar information control system to the first embodiment in which a picture switching unit 1501 is added to the camera server apparatus. As indicated throughout the specification, the other embodiments are different variations to build the information control system.

Accordingly Applicant respectfully traverses the requirement for election at least on the grounds that searching all of these inventions would not be unduly burdensome and, in fact, would be necessary to ensure a complete and exhaustive search for a proper examination on the merits of any one of the identified species of Inventions as a proper search should include the search directed to at least each of the other inventions as grouped in the Office Action.

Accordingly, Applicant respectfully submits that the requirement for election is improper for at least the reasons stated, and requests that the election requirement be withdrawn and all filed claims be examined on the merits.

AUTHORIZATION

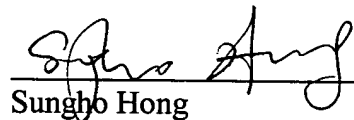
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4618). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 14, 2004

By:


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CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

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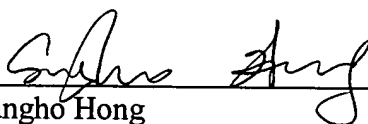
1. Response to Restriction Requirement; and
2. Return Receipt Postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 14, 2004

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